
SUBSTITUTE HOUSE BILL 2261

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Select Committee on Environmental Health
(originally sponsored by Representatives Campbell, Hudgins, Morrell,
Hunt and Ormsby)

READ FIRST TIME 2/28/07.

1 AN ACT Relating to an evaluation of the state wood smoke reduction
2 program; amending RCW 70.94.473; and adding new sections to chapter
3 70.94 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.94.473 and 2005 c 197 s 1 are each amended to read
6 as follows:

7 (1) Any person in a residence or commercial establishment which has
8 an adequate source of heat without burning wood shall:

9 (a) Not burn wood in any solid fuel burning device whenever the
10 department has determined under RCW 70.94.715 that any air pollution
11 episode exists in that area;

12 (b) Not burn wood in any solid fuel burning device except those
13 which are either Oregon department of environmental quality phase II or
14 United States environmental protection agency certified or certified by
15 the department under RCW 70.94.457(1) or a pellet stove either
16 certified or issued an exemption by the United States environmental
17 protection agency in accordance with Title 40, Part 60 of the code of
18 federal regulations, in the geographical area and for the period of

1 time that a first stage of impaired air quality has been determined, by
2 the department or any authority, for that area. A first stage of
3 impaired air quality is reached when:

4 (i) Fine particulates are at an ambient level of thirty-five
5 micrograms per cubic meter measured on a twenty-four hour average; and

6 (ii) Forecasted meteorological conditions are not expected to allow
7 levels of fine particulates to decline below thirty-five micrograms per
8 cubic meter for a period of forty-eight hours or more from the time
9 that the fine particulates are measured at the trigger level; and

10 (c) Not burn wood in any solid fuel burning device in a
11 geographical area and for the period of time that a second stage of
12 impaired air quality has been determined by the department or any
13 authority, for that area. A second stage of impaired air quality is
14 reached when:

15 (i) A first stage of impaired air quality has been in force and not
16 been sufficient to reduce the increasing fine (~~particle~~
17 ~~particulate~~) particulate pollution trend;

18 (ii) Fine particulates are at an ambient level of sixty micrograms
19 per cubic meter measured on a twenty-four hour average; and

20 (iii) Forecasted meteorological conditions are not expected to
21 allow levels of fine particulates to decline below sixty micrograms per
22 cubic meter for a period of forty-eight hours or more from the time
23 that the fine particulates are measured at the trigger level.

24 (2) Until June 30, 2009, an authority comprised of one county east
25 of the Cascade mountains with a population of equal to or greater than
26 four hundred thousand people, may determine by rule an alternative
27 ambient air level of fine particulates that defines when a first stage
28 and when a second stage of impaired air quality exists under subsection
29 (1) of this section. All other criteria of subsection (1) of this
30 section continue to apply.

31 (3) Actions of the department and local air pollution control
32 authorities under this section shall preempt actions of other state
33 agencies and local governments for the purposes of controlling air
34 pollution from solid fuel burning devices, except where authorized by
35 chapter 199, Laws of 1991.

36 NEW SECTION. Sec. 2. A new section is added to chapter 70.94 RCW
37 to read as follows:

1 The legislature finds that there are communities in the state which
2 exceed the national ambient air quality standards for PM 2.5, primarily
3 due to wood smoke emissions, and that current strategies are not
4 sufficient to reduce wood smoke emissions to levels which comply with
5 the federal standards or adequately protect public health. The
6 legislature finds that it is in the state's interest and to the benefit
7 of the people of the state to evaluate additional measures to reduce
8 wood smoke emissions and update the state wood smoke control program.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.94 RCW
10 to read as follows:

11 (1) The department shall convene and chair a work group to study
12 the impacts of wood smoke from solid fuel burning devices on
13 communities in Washington and make recommendations to the legislature
14 on practical and cost-effective opportunities to reduce public health
15 threats from exposure to wood smoke from solid fuel burning devices.
16 The work group shall be appointed by the director and include
17 representatives from the department, the state department of health,
18 regional air quality agencies, local health departments, related
19 industry representatives, and nongovernmental health organizations.
20 Recommendations may include statutory or regulatory changes,
21 incentives, and other strategies that will reduce ambient PM 2.5
22 pollution to levels sufficient to protect public health.
23 Recommendations should be presented to the governor and to the
24 legislature no later than December 1, 2007.

25 (2) In carrying out its assignment the work group shall include,
26 but not be limited to, the following considerations:

27 (a) Communities in the state that have elevated levels of PM 2.5
28 pollution;

29 (b) The contribution of pollution from solid fuel burning devices
30 to potential violations of federal air quality standards;

31 (c) Strategies used in other states, regions, or cities to reduce
32 wood smoke pollution levels and effectiveness of these strategies;

33 (d) State laws, rules, tariffs, and policies that may affect the
34 ability to reduce emissions from solid fuel burning devices or
35 encourage the use of cleaner burning devices; and

1 (e) Potential financial incentives and sources of funding to change
2 out older solid fuel burning devices to cleaner burning devices.

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